UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/727,079	11/30/2000	Thomas D. Erickson	YOR9-2000-0606US1(8728-42	2779

			EXAMINER
46069	7590	04/07/2006	DINH, KHANH Q

F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/727,079	ERICKSON ET AL.
	Examiner	Art Unit	
	Khanh Dinh	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>09 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14 and 16-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14 and 16-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to the Amendment and Remarks filed on 1/9/2006. Claims 1-

14 and 16-23 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent
> by another filed in the United States before the invention thereof by the applicant
> for patent, or on an international application by another who has fulfilled the
> requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before
> the invention thereof by the applicant for patent.
>   The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act
> of 1999 (AIPA) and the Intellectual Property and High Technology Technical
> Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting
> directly or indirectly from an international application filed before November 29, 2000.
> Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior
> to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   Claims 1-7 and 19-23 are rejected under 35 U.S.C. 102(e) as being anticipated

by Gudjonsson et al., US pat. No.6,564,261.

As to claim 1, Gudjonsson discloses a computer implemented method of providing an

electronic environment for facilitating user (7 fig.6) interaction with a business

comprising the steps of: displaying a first abstract graphical proxy (displaying a cluster

service 1 of fig.6) for the environment (using a inter-cluster service that acts as a proxy

between services in different clusters in fig.6, see abstract, fig.6, col.11 lines 5-42),

displaying a second abstract graphical proxy for at least one consumer within the

environment (online shopping network) and providing the at least consumer with

interactive business facilities via the first abstract graphical proxy for the environment (see col.11 line 44 to col.12 line 54 and col.13 lines 5-59).

As to claims 2 and 3, Gudjonsson discloses the environment is a marketplace structured by the business and includes a chat application (chat sessions) (see figs.9, 10, col.13 line 4 to col.14 line 46).

As to claims 4-6, Gudjonsson discloses that the chat application includes one of private chat and public chat, interactive applets and each consumer proxy is individualized according to consumer input (see figs.9, 10, col.13 line 4 to col.14 line 46 and col.16 line 7 to col.17 line 47).

As to claim 7, Gudjonsson discloses each consumer proxy is individualized according to consumer activity of the at least one consumer within the environment (using a inter-cluster service that acts as a proxy between services in different clusters, see figs.6, 11, col.11 lines 5-42 and col.15 line 13 to col.16 line 47).

Claims 19-23 are rejected for the same reasons set forth in claims 1, 2, 6 and 7 respectively.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed
> or described as set forth in section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made
> to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was
> made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claim 8-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gudjonsson et al., US pat. No.6,564,261 in view of Brett (hereafter Brett), US

Publication No. US 2005/0144115.

As to claim 8, Gudjonsson discloses a method comprising the steps of:

representing a social proxy in an abstract graphical display of a marketplace for

facilitating consumer interaction (using a inter-cluster service that acts as a proxy

between services in different clusters in fig.6, see abstract, fig.6, col.11 lines 5-42),

defining a consumer proxy of a consumer (online shopping network), the consumer

proxy having updatable variables (each service can define its own billing policy, see

col.11 lines 5-19), displaying the consumer proxy within the abstract graphical display of

the marketplace and updating the consumer proxy variables periodically (see col.11 line

44 to col.12 line 54, col.13 lines 5-59 and col.26 lines 40-58).

Gudjonsson does not specifically disclose a proxy including concentric circles, an inner

most circle for displaying auction information, an inner circle for indicating user bidding

activity and an outer circle for indicating user interest.   However, Brett discloses a proxy

including concentric circles, an inner most circle for displaying auction information, an

inner circle for indicating user bidding activity and an outer circle for indicating user

interest (representing user's bidding information including auction data, time and bidding

rate on a graphical representation, see abstract, figs.15, 17, 21, [0126] to 0130] and

[0136[to [0142]).   It would have been obvious to one of the ordinary skill in the art at

the time the invention was made to implement Brett's auction bidding graphical

information into the computer system of Gudjonsson to provide an online auction

because it would have enabled users to properly process of alternative bids by the ticket

auctioning system and to define time limits of appropriate bidders in an online auction

environment.

As to claims 9-10, Gudjonsson discloses the social proxy is defined by a provider and

extensible (distinct networks are possible operated by different service providers, see

fig.13, col.1 lines 40-59 and col.17 line 1 to col.18 line 48).

As to claims 11-13, Gudjonsson discloses that the social proxy (1 fig.6) is used

interactively by the consumer with an application (chat session), wherein the application

is an extension of the social proxy, displaying a link to a second social proxy (other 1

fig.6, see col.11 line 20 to col.12 line 53 and col.15 line 13 to col.16 line 67) and one of

a plurality of social proxies within a hierarchical system of proxies (see fig.11, col.15 line

13 to col.16 line 67 and col.25 lines 6-63).

As to claim 14, Gudjonsson discloses limiting data displayed based on a consumer's

access credentials (user profile information, see col.27 line 5 to col.28 line 64).

As to claim 16, Gudjonsson discloses the abstract graphical display of the marketplace

is a line including at least two consumer proxies (Intra-cluster servers (ICS) 23 include

lots of generic proxies 55 of fig.13) the line indicating the consumer proxies priority with

respect to a service provided by a business (see fig.13, col.17 line 1 to col.18 line 50

and col.25 lines 6-42).

As to claim 17, Gudjonsson discloses defining a business proxy of a business (online

shopping network), the business proxy having updatable variables (each service can

define its own billing policy, see col.11 lines 5-19), displaying the business proxy within

the abstract graphical display of the marketplace and updating the business proxy

variables periodically (see col.11 line 44 to col.12 line 54, col.13 lines 5-59 and col.26

lines 40-58).

As to claim 18, Gudjonsson discloses the business proxy interacts with the consumer

proxy (see fig.11, col.15 line 13 to col.16 line 47).

Response to Arguments

6.   Applicant's arguments filed on 1/9/2006 have been fully considered but they are

not persuasive.

        * Applicant asserts that the cited reference does not disclose "providing the at

        least consumer with interactive business facilities via the first abstract graphical

        proxy for the environment".

        Examiner respectfully disagrees. Examiner respectfully point out that the

        Gudjonsson discloses the Applicant claimed invention by displaying a cluster

        service (1 of fig.6) for the environment and using a inter-cluster service that acts

        as a proxy between services in different clusters (fig.6) (see abstract, fig.6, col.11

        lines 5-42) and implementing servers to run certain configuration of network

        services to users (such as text chat session, voice chat session throughout

        clusters (see col.11 line 44 to col.12 line 54 and col.13 lines 5-59) as rejected

        above.

        •   Applicant asserts that the cited reference does not disclose "a proxy including

              concentric circles, an inner most circle for displaying auction information, an

inner circle for indicating user bidding activity and an outer circle for indicating user interest".

Examiner respectfully point out that Brett does disclose the Applicant claimed invention by displaying a proxy including concentric circles, an inner most circle for displaying auction information, an inner circle for indicating user bidding activity and an outer circle for indicating user interest (representing user's bidding information including auction data, time and bidding rate on a graphical representation, see abstract, figs.15, 17, 21, [0126] to 0130] and [0134] to [0142]). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Brett's auction bidding graphical information into the computer system of Gudjonsson to provide an online auction because it would have enabled users to properly process of alternative bids by the ticket auctioning system and to define time limits of appropriate bidders in an online auction environment.

As a result, cited prior art does disclose a computer-implemented method of providing an electronic environment for facilitating user interaction with a business, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

Conclusion

7.   Claims 1-14 and 16-23 are *rejected.*

8.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khanh Dinh whose telephone number is (571) 272-

3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m.

to 5:00 P.m.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung, can be reached on (571) 272-3939.   The fax phone number

for this group is (571) 273-8300.

        Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

Khanh Dinh

Khanh Dinh
Primary Examiner
Art Unit 2151
4/2/2006